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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN ABOULAFIA,

Plaintiff,

v.

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., et  
al.,

Defendants.

2:12-CV-389 JCM (PAL)

**ORDER**

Presently before the court is defendants Mortgage Electronic Registration Systems, Inc., et al.'s motion to dismiss. (Doc. #10). Plaintiff Steven Aboulafia failed to file an opposition. On July 26, 2012, defendants filed a notice of non-opposition. (Doc. #11).

The property at issue in this case is located at 200 Kola Street, Henderson, Nevada. (Doc. #1, Ex. A). On October 22, 2004, Countrywide loaned plaintiff \$210,000, and secured the note with a deed of trust on the subject property. (Docs. #1, Ex. A, and #10, Ex. 1). Plaintiff defaulted on the loan on or about December 8, 2010. (Doc. #10, Ex. 3). To date, a trustee's sale has not occurred.

Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors

1 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the  
2 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
3 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.

4 Plaintiff failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*  
5 factors weigh in favor of dismissing the action. *Ghazali*, 46 F.3d at 53; *see also* LR 7-2(d).

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Mortgage  
8 Electronic Registration Systems, Inc., et. al.'s motion to dismiss (doc. #10) be, and the same hereby  
9 is, GRANTED.

10 DATED August 2, 2012.

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13 UNITED STATES DISTRICT JUDGE